

REMARKS

In the Office Action, claims 32 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cheslock et al. Claims 32 and 47 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Egawa.

The differences in the anatomy of the present invention as compared to the anatomy of the inventions of the prior art are very important. In the present invention, an elongated straight tube has a constant diameter throughout its length. In contrast, Cheslock and Egawa do not have a straight elongated tube that has a constant diameter. Cheslock has a narrow diameter on the bottom and has an abrupt increase in diameter (column 8, line 65- column 9, line 21).

These anatomical differences are important for the placement of the sensor of the present invention. In the present invention, the probe and therefore the sensor is at a specific distance inside the elongated tube (with constant diameter). This allows accurate measurement of IR energy from the BTT. The dimensions given are needed to receive emissions from the BTT only.

For example, if the sensor was closer to the tip of the probe, it would detect other emissions. The specificity of the distance of the sensor is not needed in Cheslock and Egawa because these products are used inside the ear. They do not pick up other emissions when placed inside the ear. Cheslock and Egawa would not work

as a measurer of brain tunnel temperature because their devices are designed for the ears and they do not have the specific dimensions to properly measure radiation energy emission from the BTT.

Claim 32 has been amended to define a separation distance detecting arrangement. The probe can thereby be spaced from the skin and still radiation energy from the BTT can be detected, analyzed and a resultant measurement made. The Cheslock and Egawa patents are not concerned with such a feature because they are merely inserted in the ear canal.

Based on the foregoing amendments and remarks, it is respectfully submitted that the present application should now be in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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